



Eating Dangerously

The Failure of the American Food Import Safety System

March 27, 2008

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The FDA has so few resources, all it can do is target high-risk things, give a pass to everything else and hope it is OK...The public probably has the perception ... that they're more protected than they really are.

- William Hubbard, former FDA Associate Commissioner, March 18, 2007.¹

The only difference is now it's worse, because there are more inspections to do — more facilities — and more food coming into America, which requires more inspections.

— Tommy Thompson, Bush's first secretary of Health and Human Services, February 26, 2007.²

Honduran cantaloupes infected with salmonella. New Zealand mussels contaminated with Listeria. Scottish salmon covered in petroleum.

These were among the food products recalled by the United States by the Food and Drug Administration (FDA) earlier in March of this year.³ However, while these potentially dangerous foods were rejected, thousands of tainted food imports continue to enter the U.S. market.

Public health officials estimate that food borne illnesses caused by contaminated food products result in 76 million of cases of food poisoning, over 300,000 hospitalizations, and approximately 5,000 deaths each year.⁴ Many of these food borne illness outbreaks relate to the under-regulation of imported food products. Conflicting agency oversight, inefficient food inspections, and lax food safety standards in exporting countries have allowed an influx of dangerous food products across U.S. borders.

As a result of increasing global interdependence, more and more foreign products enter the United States. Agricultural imports have increased by 78 percent since 1973. During that same time period, however, inspections for imported food inspections decreased by exactly the same 78 percent.⁵

At this time last year, the United States Government Accountability Office declared “federal oversight of food safety as a high-risk area.”⁶ This report documents the growing problem of tainted food imports as an example of globalization's negative effect on consumer safety. While broadening Americans' food selection through increased importation is beneficial, compromising the safety of the American food supply is dangerous and unacceptable.

Reasons to Worry

Every few weeks we hear of another large, and sometimes deadly, outbreak of food borne illness. For example, in March of 2007, veterinary doctors began noticing an alarming number of pets suffering from acute kidney failure- a rare, but dangerous, affliction in domesticated animals.⁷ After some cursory investigations, the doctors traced the cases back to 60 million cans and pouches of pet food from Menu Foods, a Canadian pet food manufacturer. As it turned out, the investigated pet food contained either wheat gluten or rice protein imported from Chinese companies. Both the wheat gluten and the rice protein contained melamine, a nitrogen-rich chemical used to make plastic and sometimes fertilizer.⁸ Pets that had eaten the melamine-rich food experienced direct cell death in the kidneys.⁹ In total, the nationwide veterinary chain Banfield estimates that as many as 39,000 cats and dogs were sickened or killed from this tainted pet food.

Melamine was also found in animal feed for animals en route to the human food supply. Melamine was found in fish being farmed in Washington, who were fattened on wheat gluten imported from China. Melamine is known to have contaminated more than 23 million chickens and 56,000 hogs intended for human consumption.¹⁰ In other cases, dangerous imported food products directly infiltrated the American food supply:

- In March 2008, the FDA recalled cantaloupes from Honduras after salmonella-tainted melons sickened 59 people in 16 states and Canada.¹¹
- Between October 2006 and March 2007, the FDA recalled more than 700,000 cantaloupes grown in Mexico and Costa Rica for fear of salmonella poisoning. Fewer than half were recovered before being sold.¹²
- Despite an FDA recall, a least 1 million pounds of suspect Chinese seafood arrived on American store shelves and dinner plates in August 2007. The frozen shrimp, catfish, and eel were thought to contain carcinogens and/or antibiotics not approved for seafood in the U.S.¹³
- In May 2007, the FDA warned consumers not to buy or eat Chinese imported fish labeled as monkfish. Due to labeling errors, some of the fish were actually puffer fish that contained Tetrodotoxin, a potentially fatal toxin. However, the FDA did not realize this labeling mix-up until after 282 22-pound boxes improperly labeled as monkfish were distributed to wholesalers in Illinois, California, and Hawaii.¹⁴

Lack of Accountability

One obstacle to ensuring the safety of imported foods is fragmented and confusing regulatory authority. Bananas are regulated by the Food and Drug Administration, but chicken fingers by the Department of Agriculture (USDA). Frozen cheese pizzas are examined by the FDA but if there's pepperoni on them, the USDA also has jurisdiction.¹⁵ The fragmentation of the food safety system helps to explain why tainted foods continue to slip into American markets and why contamination scares are handled in varying ways.¹⁶

In total, 15 agencies collectively administering at least 30 laws related to food safety.¹⁷ The FDA, which is part of the US Department of Health and Human Services and the Food Safety and Inspection Service (FSIS), which is part of the USDA, together regulate most food products imported to American soil. FSIS inspects all domestic and imported meat, poultry, and certain egg products, the majority of domestic consumption of those products. The FDA—via the Center for Food Safety and Applied Nutrition (CFSAN) and the Office of Regulatory Affairs (ORA), regulates all other food, including whole eggs, seafood, dairy, grain, fruits and vegetables. However, other agencies including the National Marine Fisheries Services, which is part of the US Department of Commerce, the Environmental Protection Agency, and the Centers for Disease Control and Prevention in Health and Human Services are also involved in the food safety screening process.¹⁸ This division of labor creates a complex bureaucracy of competing levels of oversight.

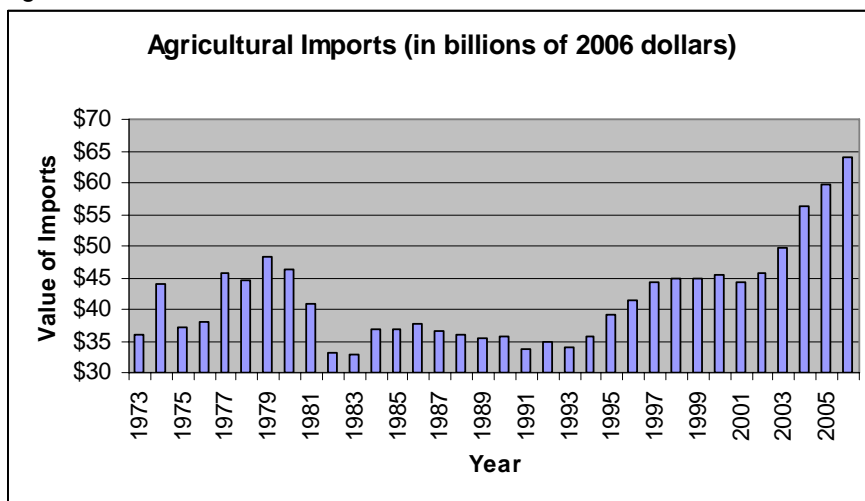
Conflicting agency oversight is also coupled with conflicting budgetary appropriations between the USDA and the FDA. The Government Accountability Office noted, “The USDA is responsible for regulating only about 20 percent of the food supply. In contrast, FDA, which is responsible for regulating about 80 percent of the food supply, accounted for only about 24 percent of expenditures.”¹⁹

Growing Imports

The number and volume of agricultural imports into the United States have increased dramatically in recent years. Imports currently account for 80% of the nation’s seafood, 45% of its fresh fruit, and 17% of its fresh vegetables.

Figure 1 shows the growth in agricultural imports. Since 1973, the value of agricultural imports has increased by 78% in inflation-adjusted dollars. Between 2000 and 2006, the value of agricultural imports increased by 41%.

Figure 1



Source: USDA. Economic Research Service. “Foreign Agricultural Trade of the United States.” 1 July 2006.

Foreign Food Safety Standards

American producers of food are held to American regulatory standards. The fertilizers, pesticides, and storage used by U.S. farmers are all held to high standards of quality. But exporting countries do not necessarily have food safety systems equivalent to those in the US.²⁰ Free trade agreements bring in more food from developing countries, often at lower prices. But in these countries pesticide use is often higher than in the USA, water quality is often worse and workers may be less trained in food safety.²¹

A 2003 FDA study reported:

- Pesticide violations in 6.1% of imported foods, compared to 2.4% of domestic foods.
- Dysentery causing salmonella and shigella in 4% of imported fruits and vegetables compared to 1.1% of domestic products.²²

Imports from China and Canada provide a case in point. Even though Canada exports approximately \$10 billion in FDA-regulated food and agricultural products to the U.S. annually, and China exports only \$2 billion, FDA inspections in the first four months of 2007 refused 298 shipments from China but only 56 shipments from Canada.²³ This suggests that the export standards in China are considerably lower than they are in Canada.

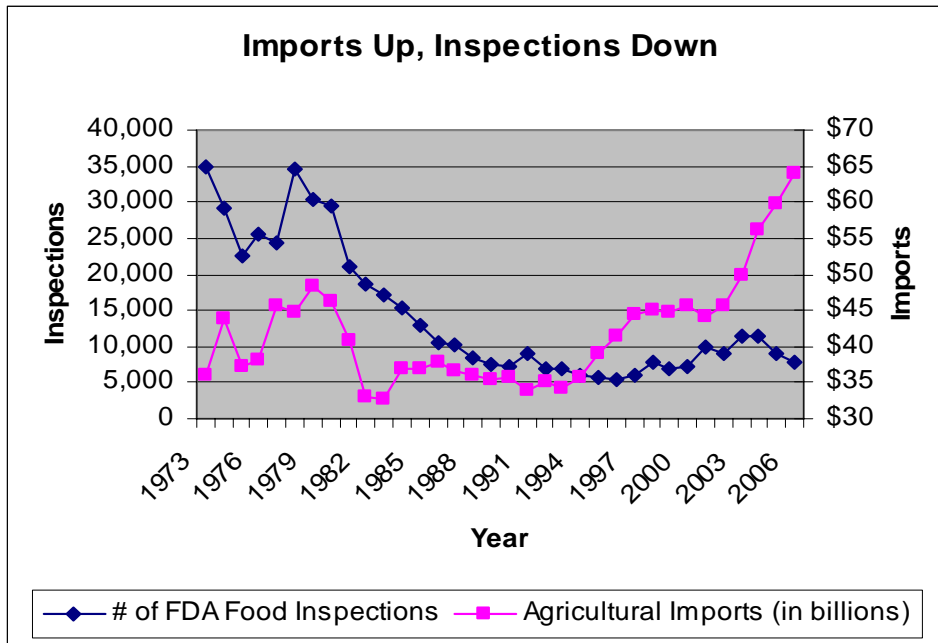
Imports and Inspections

The number of inspections to guard against potentially tainted products has not kept up with dramatic growth of imports. Agricultural imports have increased by 78 percent since 1973; the number of inspections decreased the same 78 percent over the same time.²⁴ Nowadays, the vast majority of imports receive FDA approval within minutes after an electronic review of data submitted by the importer.²⁵

In total, the FDA inspects barely 1 percent of food shipments arriving annually at ports throughout the country.²⁶ In 1992, when imports were far less common, it inspected approximately 8 percent.²⁷ In contrast, the USDA inspects nearly 16 percent of meat and poultry, which are primarily domestic in origin.²⁸

Figure 2 explores a cause. FDA food inspections have been flat for nearly 20 years, while imports have nearly tripled over the same time period. In 1978, the FDA administered 34,643 food inspections; in 2006, it only administered 7,783, a decrease of 78 percent.²⁹

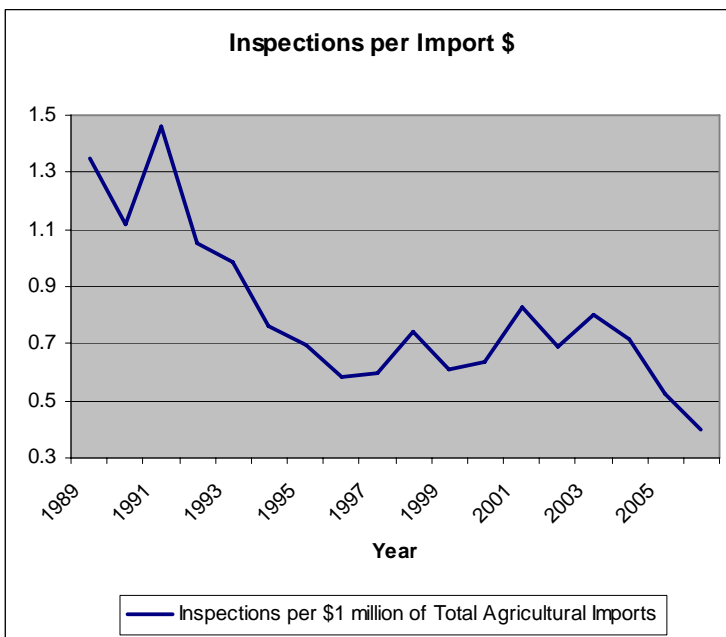
Figure 2



Source: USDA. Economic Research Service. “Foreign Agricultural Trade of the United States.” 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA.

Figure 3 shows the dramatic drop between the number inspections and the value of food being imported. It shows that the inspections per dollar of imports dropped by 73 percent between 1991 and 2006. In 1991, there were 1.5 inspections per \$1 million of imported agriculture commodities; in 2006 there were only 0.4.³⁰

Figure 3

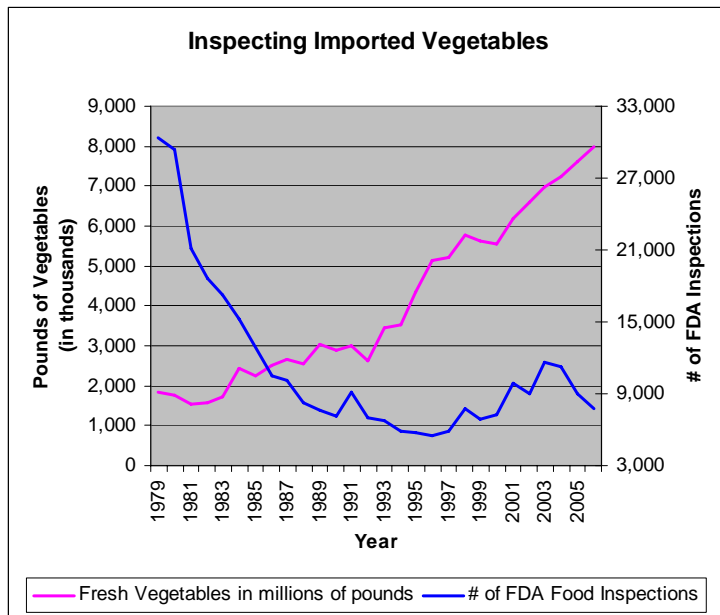


Source: USDA. Economic Research Service. “Foreign Agricultural Trade of the United States.” 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA.

This inattentiveness to food imports and their inspections during a time of increasing global trade has led to a dangerous rise in the number of food outbreaks over the past decade. Toxic and tainted food outbreaks have increased from a five year average of 126 outbreaks in the early 1990s to 347 outbreaks in the early 2000s.³¹

Figure 4 focuses on the trend for a specific product category, fresh vegetables, a food category virtually synonymous with good health. Figure 4 reveals how increased importation of goods has surpassed FDA inspections and has put Americans at greater risk.

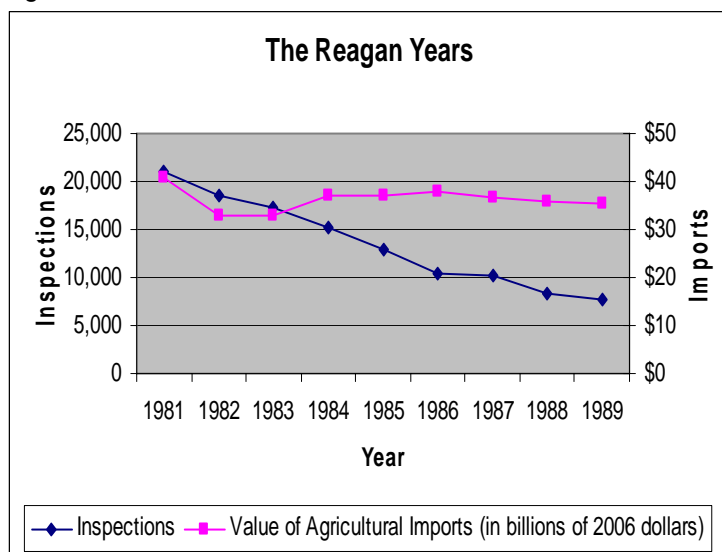
Figure 4



Source: USDA. Economic Research Service. “Foreign Agricultural Trade of the United States.” 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA.

The massive decline of food inspections, especially in the Reagan years is a symptom of the conservative belief that industry should regulate itself and that government should be less involved. Figure 5 reveals that during the Reagan administration alone, food inspections dropped by 13,415 — a decline of 64 percent from the beginning of his administration; meanwhile, agricultural imports at that time remained relatively constant at \$36 billion per year.

Figure 5



Source: USDA. Economic Research Service. “Foreign Agricultural Trade of the United States.” 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA.

After the September 11 attacks, the FDA, increased the number of food inspectors and inspections amid fears that the nation’s food system was vulnerable to terrorist attack. Inspectors and inspections spiked in 2003. Both have now, however, fallen to levels below September 11.

The Path Ahead

America participates in a global economy. Although politicians like to highlight the advantages of lower prices and greater choice, globalization also has costs. As we import more goods subject primarily to foreign standards, we increase the risks to Americans. Government agencies designed to protect us need to step up to the challenge of providing Americans with high-quality, reliable, goods, regardless of their country of origin.

The FDA, Center for Food Safety and Applied Nutrition, and other agencies

One area in need of reform is the FDA. Playing a critical role in safeguarding Americans from hazardous foods, the FDA is supposed to provide a security check between industry and the consumer. Its ability to inspect foods and regulate industry is severely handcuffed by under-funding—and as a result, inspections are down.

First, Congress must adequately fund the current protections that the FDA affords to U.S. citizens. However, increased funding will only partially solve the food import crisis in this country. Second, the food safety inspection system must be restructured so as to ensure effective, consistent screening of foreign food products. In particular, Congress needs to address the problems detailed in this report: overlapping agency oversight of food imports, lax food inspections, and inconsistent foreign food safety standards.

Senator Richard Durbin (D-Ill.), Rep. Rosa DeLauro (D-Conn.) and others have introduced legislation intended to simplify the food inspection process. The Center for Science in the Public

Interest, a consumer advocacy organization focusing on issues of food and science, rated the Safe Food Act of 2007 the most comprehensive “pending food safety legislation.”³² This bill would:

- Transfer all food safety activities to a newly created Food Safety Administration; an agency that would replace eight agencies’ food inspection services;
- Establish a certification system for importers of food to the United States;
- Create requirements for tracing food and food producing animals from point of origin to retail sale;
- Provide the Food Safety Administration with tools to enforce administrative detention, condemnation, temporary holds, recalls (of which is currently *voluntary* for the food industry), civil and criminal penalties for violations of food safety laws, whistleblower protection, and civil actions.

Other provisions under discussion include giving the FDA authority to make recalls mandatory. At present, the FDA can only suggest voluntary recalls, and business has the option to comply.

Corporate accountability

Another way to improve imported food safety involves private companies. It is not news that corporate actors try to cut costs. However, where the corporate incentive is contrary to the interests of individual consumers (for example, saving money by purchasing contaminated wheat gluten at low-cost from China), and individual consumers do not have knowledge or power to protect themselves, intervention is needed. Companies such as Wal-Mart need to be held responsible for the food products they sell, regardless of where they are made. The U.S. government needs to set minimal standards for products being sold on its soil.

Trade agreements

In addition to reforming the FDA and enforcing corporate responsibility, America needs to make sure that globalization is working to its advantage. Trade with countries with lower labor standards, lower environmental standards, and less stringent safety and regulatory regimes present special challenges. The food standards that American consumers demand and expect should not be lost amid the challenges of a global economy. Additional attention to safety and quality control issues is needed before signing the next generation of NAFTA-style trade agreements.

Conclusion

When it comes to imported products, Americans are left to the vicissitudes of the marketplace. Consumers might respond to the increased risks posed by imported foods by trying to avoid such items or assuming that public scandals will provoke private companies to implement better protections. However, food import safety is not an issue that will be resolved in the free market, and consumers should not have to depend solely on their own resourcefulness to protect themselves. Americans are right to demand that government return to its time-honored role: looking out for the American people by providing public protections when private ones are insufficient.

ENDNOTES

- ¹ Julie Schmit. "U.S. Food Imports Outrun FDA Resources" *USA Today*. 18 March 2007. http://www.usatoday.com/money/industries/food/2007-03-18-food-safety-usat_N.htm.
- ² "Risks of Tainted Food Rise as Inspections Drop." *Associated Press*. 26 February 2007. <http://www.msnbc.msn.com/id/17349427/>.
- ³ United States Food and Drug Administration. "Enforcement Report," March 12 and 9, 2008. <http://www.fda.gov/bbs/topics/ENFORCE/2008/ENF01048.html>, <http://www.fda.gov/bbs/topics/ENFORCE/2008/ENF01047.html>.
- ⁴ US Department of Health and Human Services, Centers for Disease Control and Prevention. <http://www.cdc.gov/foodsafety/>.
- ⁵ USDA. Economic Research Service. "Foreign Agricultural Trade of the United States." 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA. Latest data is from 2006.
- ⁶ United States Government Accountability Office. *Federal Oversight of Food Safety: High-Risk Designation Can Bring Attention to Limitations in the Government's Food Recall Program; Statement of Lisa Shames, Acting Director, Natural Resources and Environment*. 24 April 2007. <http://www.gao.gov/new.items/d07785t.pdf>.
- ⁷ "Doctors Caution Thousands More Pet Deaths Expected." *ABC News*. 22 March 2007. <http://abcnews.go.com/WNT/story?id=2974319>.
- ⁸ Calum MacLeod. "China Admits Tainted Food Link." *USA Today*. 26 April 2007. http://www.usatoday.com/money/industries/2007-04-26-pet-food-china_N.htm. Katy Byron. "FDA: Contaminated Feed Could Affect Farms Nationwide." *CNN*. 1 May 2007. <http://edition.cnn.com/2007/US/05/01/recall.poultry/index.html>.
- ⁹ Kristina Dell. "Unraveling the Pet-Food Mystery." *TIME*. 5 April 2007. <http://www.time.com/time/nation/article/0,8599,1607483,00.html>.
- ¹⁰ David Goldstein. "Poison for Profit." *The Nation*. 12 July 2007. <http://www.thenation.com/doc/20070730/goldstein>. Associated Press, "Farmed fish given meal tainted with melamine," May 8, 2007. *MSNBC*. <http://www.msnbc.msn.com/id/18556690/>
- ¹¹ FDA News Alert, "FDA Warns of Salmonella Risk with Cantaloupes from Agropecuaria Montelibano ," March 22, 2008. <http://www.fda.gov/bbs/topics/NEWS/2008/NEW01808.html>. Ashley Tufts, "Tainted Cantaloupes Affect Ohioans," *NBC4i.com*, 22 March 2008. <http://www.nbc4i.com/midwest/cmh/news.apx.-content-articles-CMH-2008-03-22-0010.html>
- ¹² Julie Schmit. "U.S. Food Imports Outrun FDA Resources" *USA Today*. 18 March 2007. http://www.usatoday.com/money/industries/food/2007-03-18-food-safety-usat_N.htm.
- ¹³ "Holes in FDA Screening System Allowed at Least 1 Million Pounds of Suspect Seafood in U.S." *Associated Press*. 8 August 2007. <http://www.cbsnews.com/stories/2007/08/08/health/main3145740.shtml>.
- ¹⁴ United States Food and Drug Administration. "Hong Chang Corporation Recalls Monkfish Because of Possible Health Risk." 23 May 2007. http://www.fda.gov/oc/po/firmrecalls/hongchang05_07.html. United States Food and Drug Administration. "FDA Warning on Mislabeled Monkfish." 24 May 2007. <http://www.fda.gov/bbs/topics/NEWS/2007/NEW01639.html>.
- ¹⁵ Josh Funk. "Critics Say Fragmented Inspection System Can't Ensure U.S. Food is Safe." 6 November 2007. http://www.agweekly.com/articles/2007/11/06/news/ag_news/news12.txt.
- ¹⁶ Ibid.
- ¹⁷ United States Government Accountability Office. *Federal Oversight of Food Safety: High-Risk Designation Can Bring Attention to Limitations in the Government's Food Recall Program; Statement of Lisa Shames, Acting Director, Natural Resources and Environment*. 24 April 2007. <http://www.gao.gov/new.items/d07785t.pdf>.
- ¹⁸ Geoffrey S. Becker and Donna V. Porter. *The Federal Food Safety System: A Primer*. Congressional Research Service. 18 June 2007. <http://openocrs.cdt.org/document/RS22600>.
- ¹⁹ United States Government Accountability Office. *Federal Oversight of Food Safety: High-Risk Designation Can Bring Attention to Limitations in the Government's Food Recall Program; Statement of Lisa Shames, Acting Director, Natural Resources and Environment*. 24 April 2007. <http://www.gao.gov/new.items/d07785t.pdf>.
- ²⁰ Julie Schmit. "U.S. Food Imports Outrun FDA Resources" *USA Today*. 18 March 2007. http://www.usatoday.com/money/industries/food/2007-03-18-food-safety-usat_N.htm.
- ²¹ Ibid.
- ²² Ibid.

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- ²³ Rick Weiss. "Tainted Chinese Imports Common." *Washington Post*. 20 May 2007.
http://www.washingtonpost.com/wp-dyn/content/article/2007/05/19/AR2007051901273_pf.html.
- ²⁴ USDA. Economic Research Service. "Foreign Agricultural Trade of the United States." 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA.
- ²⁵ Julie Schmit. "U.S. Food Imports Outrun FDA Resources" *USA Today*. 18 March 2007.
http://www.usatoday.com/money/industries/food/2007-03-18-food-safety-usat_N.htm.
- ²⁶ Alexei Barrionuevo. "Food Imports Often Escape Scrutiny." *New York Times*. 1 May 2007.
<http://www.nytimes.com/2007/05/01/business/01food.html>
- ²⁷ Julie Schmit. "U.S. Food Imports Outrun FDA Resources" *USA Today*. 18 March 2007.
http://www.usatoday.com/money/industries/food/2007-03-18-food-safety-usat_N.htm.
- ²⁸ Ibid.
- ²⁹ FDA Inspection Data compiled by the Coalition for a Stronger FDA. Latest data is from 2006.
- ³⁰ USDA. Economic Research Service. "Foreign Agricultural Trade of the United States." 1 July 2006. FDA Inspection Data compiled by the Coalition for a Stronger FDA. Latest data is from 2006.
- ³¹ FDA outbreak figures for 1990-1994 and 2000-2004. Data compiled by the Coalition for a Stronger FDA.
- ³² The Safe Food Act of 2007 is HR. 1148, S.654. Caroline Smith DeWaal and David W. Plunkett. *Building a Modern Food Safety System: For FDA Regulated Food*. Center for Science in the Public Interest. 30 October 2007.
<http://www.cspinet.org/new/pdf/fswhitepaper.pdf>.